

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

**MARICELA DEBOISSIERE, Individually, )  
and on Behalf of All Others Similarly )  
Situated, )  
)  
Plaintiffs, )  
)  
v. ) Case No. 09 cv 2316 (JS/MLO)  
)  
AMERICAN MODIFICATION AGENCY, )  
AMERIMOD INC., SALVATORE PANE, ) ECF CASE  
JR., )  
)  
)  
Defendants. )**

## APPLICATION FOR DEFAULT JUDGMENT

Plaintiff Maricela DeBoissiere submits this Application for A Default Judgment against Defendants American Modification Agency, Amerimod, Inc. and Salvatore Pane, Jr., by the Court pursuant to Fed. R. Civ. P. 55(b)(2) and Local Rule 55.2(b).

Defendants were served with the Summons and Complaint on June 19, 2009. No answer or responsive pleading was filed by American Modification Agency, Amerimod, Inc. or Salvatore Pane, Jr. in the time allotted by the F.R.C.P.

Neither American Modification Agency, Amerimod, Inc. nor Salvatore Pane, Jr. are infants or incompetent persons.

Neither American Modification Agency, Amerimod, Inc. nor Salvatore Pane, Jr. are in the military service.

American Modification Agency, Amerimod, Inc. and Salvatore Pane, Jr. have defaulted in appearance in this action.

Including the Plaintiff, twelve people have joined this case and seek damages for

Defendants' failure to pay minimum wages, overtime, liquidated damages, and attorneys' fees as required by the Fair Labor Standards Act. These amounts are subject to calculation but because Defendants' business no longer operates and because Defendants have not participated in discovery the calculation has been complicated.

Plaintiff has appended 1) the clerk's certificate of default, 2) a copy of the claim to which no response has been made, and 3) a proposed form of default judgment.

Therefore, Plaintiff respectfully requests that a default judgment be entered against Defendants American Modification Agency, Amerimod, Inc. and Salvatore Pane, Jr. and that an inquest be held as to the proper amount of damages.

Dated: April 28, 2011

Respectfully Submitted

/s/ Erik H. Langeland  
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